



Ord. # 5597

**A JOINT ORDINANCE AMENDING A PROVISION IN THE LOCAL AMENDMENTS TO THE 2012 EDITION OF THE INTERNATIONAL CODE COUNCIL INTERNATIONAL RESIDENTIAL CODE ALSO REFERRED TO AS THE MEMPHIS AND SHELBY COUNTY RESIDENTIAL CODE, TO ADDRESS WHEN THE USE OF ENGINEERED SHEAR PANELS FOR SEISMIC PROTECTION OF RESIDENTIAL STRUCTURES IS REQUIRED.**

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**WHEREAS,** The Shelby County Board of Commissioners and the City Council of the City of Memphis seek to adopt and maintain a comprehensive set of coordinated Technical Codes, including a building code to address the construction of one and two family homes in Memphis and Shelby County and to update this Code as necessary to assure the safe, economical and effective construction of residential one and two family structures in the Community; and

**WHEREAS,** The City Council for Memphis, Tennessee adopted the *2012 Edition of the International Code Council International Residential Code* with local amendments, in Ordinance # 5480 on December 18, 2012 and an amendment thereto was adopted by the Memphis City Council in Ordinance # 5539 on December 17, 2013; and

**Whereas,** The Shelby County Board of Commissioners adopted the *2012 Edition of the International Code Council International Residential Code* in Ordinance # 425 with local amendments thereto on October 8, 2012 and amended those previously adopted provisions in Ordinance # 442 on December 16, 2013; and

**WHEREAS,** These adopted ordinances are referred to as the Memphis and Shelby County Residential Code; and

**WHEREAS,** It has been recommended that it is necessary and prudent to adopt an amendment to the most recently adopted Memphis and Shelby County Residential Code to better identify and to clarify when engineered shear panels must be used in the construction of one and two family dwellings which are also protected by full plywood sheathing of the structure and other identified protective measures as the means to achieve appropriate seismic protection for those structures; and

**WHEREAS,** The amendment to the Memphis and Shelby County Residential Code, when jointly adopted by the Shelby County Board of Commissioners and Memphis City Council, will provide a level of

protection that is considered by the members of the two legislative bodies adopting this joint ordinance to be reasonable and comparable with that protection required by surrounding jurisdictions and consistent with the structural requirements provided by the Code for such structures.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MEMPHIS, TENNESSEE THAT** previously adopted Section R301.2.2.3.8, entitled "Alternative compliance method for structural requirements" is amended by deleting the last sentence of that section and subsection 1 of that section which consists of the following language:

The alternative compliance method is allowable only when the total wall opening area does not exceed 30 percent of wall area along each of the four main exterior walls, not including exterior walls containing a garage door opening.

1. A minimum of two 24" prefabricated shear panels may be installed in any one exterior wall with openings that exceed the 30 percent requirement and still be considered in compliance with the amendment conditions.

so that when modified by this amendment, Section R301.2.2.3.8 shall read as follows:

**R301.2.2.3.8 Alternative compliance method for structural requirements.** In addition to meeting all the structural requirements for Seismic Design Category C and sections R301.2.2.3.1, R301.2.2.3.6 and R301.2.2.3.7, an alternative compliance method for meeting structural requirements when wood framing is used shall include compliance with the following items. In the event any requirement in this section differs from wind code structural requirements, the more stringent will apply.

**BE IT FURTHER ORDAINED,** That should any part of this ordinance or code be found to be unconstitutional or unenforceable by a court of competent jurisdiction that such a determination will have no effect on the other portions of the adopted Code and the amendments thereto.

**BE IT FURTHER ORDAINED,** That this Joint Ordinance shall take effect in the City of Memphis and the unincorporated areas of Shelby County by virtue of the concurring and separate passage thereof by the Memphis City Council and by the Board of Commissioners of Shelby County Tennessee at the date of such adoption by the second body and as becoming effective as required by due process and the requirements of the Charter of each jurisdiction.

THE FOREGOING ORDINANCE  
# 559 1 PASSED

1st Reading 8-4-15

2nd Reading 8-18-15

3rd Reading 9-1-15

Approved Alfonso Ramsey  
Chairman of Council

Date Signed: 9/15/2015

Approved: [Signature]  
Mayor, City of Memphis

Date Signed: 9/17/15

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

Valerie C. Supis  
Comptroller

**ORDINANCE TO AMEND TITLE 5, CHAPTER 5-20 OF  
THE MEMPHIS MUNICIPAL CODE TO INCREASE  
THE EXISTING HOTEL/MOTEL OCCUPANCY TAX TO 3.5%**

**WHEREAS**, in accordance with applicable state law, Ordinance No. 4824 was previously adopted by the Council of the City of Memphis for the express purpose of establishing a hotel/motel occupancy tax for the City of Memphis; and

**WHEREAS**, pursuant to Ordinance No. 4824, the City currently imposes a hotel/motel occupancy tax in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator against each transient occupying a hotel room within the municipal limits of Memphis; and

**WHEREAS**, on May 21, 2002, Ordinance No. 4824 was amended by adoption of Ordinance No. 4939 which specified the distribution of all proceeds of the City's hotel/motel occupancy tax and eliminated the sunset provision included in Ordinance No. 4824; and

**WHEREAS**, pursuant to Section 67-4-1402 of the Tennessee Code Annotated, the City of Memphis is authorized to impose a hotel/motel occupancy tax in an amount up to five percent (5%) of the consideration charged by each hotel operator; and

**WHEREAS**, the Council believes that it is appropriate and in the best interests of the citizens of Memphis that the existing hotel/motel tax be increased by one and eight-tenths percent (1.8%) to a total of three and one-half percent (3.5%).

**NOW THEREFORE,**

**SECTION 1. BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS**, that Part 1, Section 2 of Ordinance No. 4824 codified as Section 5-20-2 of the Memphis Municipal Code is hereby amended to read as follows:

The City levies a privilege tax upon the privilege of occupancy in a hotel of each transient. Except as provided below, such tax shall be in the amount of three and one-half percent (3.5%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

Notwithstanding the foregoing, the City levies a privilege tax upon the privilege of occupancy in a hotel of each transient in a hotel which is in a

Tourism Surcharge District described in Ordinance No. 5583 existing on July 1, 2015. Such tax shall be in the amount of one and seven-tenths percent (1.7%) of the consideration charged by the operator for such occupancy. Such tax is a privilege tax upon the transient occupying such room and is to be collected as provided in this chapter.

**SECTION 2. BE IT FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS,** that Part I, Section 9 of Ordinance No. 4824 as amended and codified as Section 5-20-9 is hereby amended to read as follows:

(a) Through and until June 30, 2016, the first 1.7% of taxes levied under this chapter shall be collected by the city and distributed as follows:

1. The revenue from such tax shall first be applied to payment of bonded indebtedness, principal and interest including expenses of the bond sale or sales to fund the construction or renovation of the Cook Convention Center up to the principal amount of Thirteen Million Dollars (\$13,000,000), provided however that in the event that revenues from the Memphis Tourism Development Zone (TDZ) or another City of Memphis revenue source is substituted for the taxes hereunder for payment of the said outstanding bonded indebtedness, then the Hotel/Motel tax amounts designated herein will thereafter be used to fund the New Memphis Arena project or such other projects and purposes as the City Council shall determine.

2. Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from the first 1.7% tax of taxes levied under this chapter over and above that amount which is required for each year's debt service on the outstanding bonded indebtedness incurred by the City for the construction or renovation of the Cook Convention Center, shall be used to provide operating revenue first, for the Wonders International Cultural Series, or its successor organization, in the amount of Four Hundred Thousand Dollars (\$400,000) for the city's fiscal year 2001 and Five Hundred Thousand Dollars (\$500,000) for fiscal years 2002 and 2003, and second for the Coliseum in the amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the city's fiscal years 2002 and 2003.

3. If there are excess revenues remaining after each year's debt service on the outstanding bonded indebtedness incurred by the city for construction or renovation of the Cook Convention Center and after operating funding has been provided for the Wonder's International Cultural Series, or its

successor organization, and The Coliseum, as provided in subsections (a)(1) and (2) of this section, then such excess will be provided to the Memphis Convention and Visitor's Bureau for additional marketing, advertising and promotion of the Memphis and Shelby County hospitality industry.

(b) From July 1, 2016 and thereafter, the first 1.7% tax of the taxes levied under this chapter shall be collected by the City and applied to payment of bonded indebtedness, principal and interest, of the bond sale or sales by the Memphis and Shelby County Sports Authority (the "Sports Authority Bonds") for the purpose of development and construction costs of a new Memphis Sports Arena, built by the New Memphis Arena Public Building Authority, to fund the construction of the NBA arena, until paid in full, and thereafter to such other projects and purposes as the City Council shall determine.

(c) Upon the effective date of this ordinance, the additional 1.8% tax of the 3.5% tax levied hereunder shall be used for the purpose of funding the following:

1. To make up any deficiencies in the payment of administrative expenses of the Memphis and Shelby County Sports Authority, payments to the Bond Fund, Rebate Fund, or Debt Service Reserve Fund for the Sports Authority Bonds;
2. To reimburse, on a pro rata basis, monies paid by Shelby County or the City of Memphis to replenish the Debt Service Reserve Fund for the Sports Authority Bonds;
3. For deposit to the Capital Improvement Reserve Fund to make capital improvements, administrative costs, to purchase or redeem the Sports Authority Bonds, as directed by the Memphis and Shelby County Sports Authority; and

(d) Notwithstanding any of the provisions contained herein to the contrary, any revenues produced from the taxes levied under this chapter over and above the sum of (i) that amount which satisfies subsections (c)1, (c)2, and (c)3 of this section, and (ii) the greater of: (x) the amount of such tax revenue projected for the current fiscal year at the time of the original issuance of the Sports Facility Bonds and (y) the amount the 1.7% tax rate would have provided for such fiscal year, shall be applied to the payment of principal of and interest on additional bonded indebtedness, and non-capitalized

expenses of the bond sale or sales and bond-related continuing costs, to fund additional construction or renovation of convention or meeting facilities.

**SECTION 3. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance shall not be effective unless and until execution and delivery, hereby authorized on behalf of the City, of an agreement or agreements among the City, Shelby County and the Memphis and Shelby County Sports Authority consistent with the provisions hereof, either in addition to or by amendment of the Amended and Restated Interlocal Agreement Relating To the Financing of the Proposed Sports and Basketball Arena to be Financed By The Memphis and Shelby County Sports Authority, Inc., dated May 15, 2002, as heretofore amended and supplemented, or both.

**SECTION 4. BE IT FURTHER ORDAINED**, that the provisions of this Ordinance are hereby severable. If any of these sections, provisions, sentences, clauses, phrases or parts is held unconstitutional or void, the remainder of this Ordinance shall continue in full force and effect.

**SECTION 5. BE IT FURTHER ORDAINED**, that all parts of Ordinance Nos. 4824 and 4939, except as amended herein, shall remain in full force and effect.

**SECTION 6. BE IT FURTHER ORDAINED**, that this Ordinance shall take effect from and after the date it shall have been passed by the City Council, signed by the Chairman of the Council, certified and delivered to the Office of the Mayor in writing by the Comptroller, and become effective as otherwise provided by law.

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Myron Lowery, Chairman  
Memphis City Council

ATTEST:

\_\_\_\_\_  
Comptroller

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

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Comptroller

THE FOREGOING ORDINANCE

# 5596 PASSED

1st Reading 8-4-15

2nd Reading 8-18-15

3rd Reading 9-1-15

Approved *Mylon Lowery*  
Chairman of Council

Date Signed: 9/15/2015

Approved: *[Signature]*  
Mayor, City of Memphis

Date Signed: 9/17/15

I hereby certify that the foregoing is a true copy, and said document was adopted by the Council of the City of Memphis as above indicated and approved by the Mayor.

*Valerie C. Suptis*  
Comptroller